

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED

FEB 01 2006

JOHN F. CORCORAN, CLERK  
BY: *J. Farabee*  
DEPUTY CLERK

RICHARD A. PLASTER,

*Plaintiff,*

v.

SHERIFF MIKE BROWN ET AL.,

*Defendants.*

CIVIL ACTION No. 6:05-CV-00006

ORDER

JUDGE NORMAN K. MOON

By order of the Court, this case was referred to the Honorable Michael F. Urbanski, United States Magistrate Judge, for proposed findings of fact and a recommended disposition of the Fed. R. Civ. P. 12(b)(6) motions to dismiss filed by Defendants Mike Brown and Randy Krantz. Judge Urbanski filed his Report and Recommendation on November 9, 2005, recommending that the Court grant Krantz's motion to dismiss on grounds of immunity. Judge Urbanski also recommended that the Court grant Brown's motion to dismiss on the grounds that 42 U.S.C. § 1983 does not support claims based on a *respondeat superior* theory. Plaintiff filed Objections to the Report and Recommendation on November 28, 2005, and a hearing was held on Plaintiff's objections on January 24, 2006.

The Court has thoroughly examined Plaintiff's objections, the applicable law, and the documented record. For the reasons stated in the accompanying memorandum opinion, the Court ADOPTS WITH MODIFICATION of the reasoning the Report and Recommendation of

Magistrate Urbanski. Defendants Krantz and Brown are hereby DISMISSED as party-defendants in this matter.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED:

Nann - C. Nov  
U.S. District Judge

February 1, 2006  
Date